THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 12495 of 2005

Date: 14.09.2005

Between:

1) Balineni Anjaneyulu, s/o. Venkateswarlu,

r/o. Revenue colony, M.M.Donka, Ongole,

Prakasam district & another

…Petitioners

and

The Superintending Engineer, Irrigation Circle,

Ongole, Prakasam district

…Respondent

ORDER:

Challenging the Short Tender Notice No.2/2005-2006 dated 25.05.2005 as illegal, arbitrary and contrary to G.O. Ms. No.94 Irrigation & CAD (PW) Department, dated 01.07.2003 and G.O.Ms. No.142 Irrigation & CAS (PW-Reforms) Department, dated 20.12.2004 and consequently direct the respondent to issue tender schedules to the petitioners without insisting for experience mentioned in column nos. 7 and 8 of the tender notice, the present

Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation & C.A.D.

The law is well settled that the tender conditions can not normally be subjected to judicial scrutiny unless they are arbitrary or irrational or *ex facie* in contravention of any statutory provisions or Article 14 of the Constitution of India. The learned Government Pleader contended that the said condition was incorporated in view of the guidelines of the World Bank, with whose funds the works have been taken up, and so, the said condition equally applies to all the tenderers and there can not be any discrimination. There is absolutely no allegation that the said specification to produce the experience certificate was deliberately incorporated so as to eliminate some of the tenderers. Therefore, in the absence of any infringement of legal right of the petitioners or any arbitrary action on the part of the respondents, the relief in the Writ Petition can not be granted.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

14.09.2005

DRK